



**BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS’
STANDARDS AND TRAINING**

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In the Matter of)
)
EMMETT L. SMITH, JR.)
 #25842)
_____)

Case No. 2016-0168

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Commission action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certificate of EMMETT L. SMITH, JR. (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers’ Standards and Training (Commission), certification number 25842.
2. Respondent was employed as a full-time police officer with the Riley County Police Department (RCPD) from April 25, 2010 to August 30, 2016.
3. Respondent was scheduled to take a promotional assessment at the assessment center in Manhattan, Kansas, on May 1, 2016 at 11:00 am. Respondent did not appear for the assessment. Respondent called the Riley County Human Resource Coordinator at 2:02 pm and stated that he missed his assessment due to car problems and a dead cell phone. Respondent

made a follow-up call at 3:10 pm. Respondent was allowed to complete the assessment at 4:00 pm the same day.

4. RCPD Captain Fink asked Respondent for a written report explaining why he was late for his interview. Respondent's statement indicated that he had gone to meet a friend for breakfast at a restaurant in Topeka. They finished eating around 9:00 am and then Respondent's car wouldn't start when he tried to leave. Respondent said his cell phone was dead and he had no way to charge it. Respondent stated that his car started after a couple hours and he was able to charge his cell phone enough to make a call seven or eight minutes after that.
5. Other RCPD officer received texts and photos from Respondent in the early morning of May 1st indicating that he had won \$12,000 at the Prairie Band Potawatomi Nation Casino (casino). The officers stated that Respondent missed his promotional assessment because he did not want to stop gambling.
6. Respondent was interviewed on July 12, 2016 regarding the missed promotional assessment. Respondent admitted to being at the casino on the evening of April 30th, but claimed he returned to Manhattan, slept at home, and drove to Topeka the next morning to meet his friend.
7. RCPD Lt. French learned from the casino that Respondent was "comped" a hotel room on April 30th. Casino records show that Respondent's players card was active from:
 - Saturday evening April 30th, 5:30 pm to 7:03 am May 1st
 - Sunday afternoon May 1st, 12:41 to 12:56 pm.
8. Respondent declined to provide RCPD a release to obtain further player's card information.
9. RCPD Detective Parsons researched Respondent's cell phone usage on May 1st. Detective Parsons established that Respondent's 2:02 pm call connected

through a cell phone tower in Emmett, Kansas, which is 45 miles northwest of the breakfast restaurant named, but between the casino and Manhattan. Respondent's cell phone could not have connected through the Emmett tower if he was in Topeka at the time the call was made.

CONCLUSIONS OF LAW

Unprofessional Conduct – False Statements

10. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the commission.
11. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as intentionally using a false or deceptive statement in any official document or official communication.
12. Respondent made false statements in his written statement and subsequent interviews regarding his reason for missing his promotional assessment. Casino and cell phone records show that Respondent was untruthful in these statements.

Good Moral Character

13. Pursuant to K.S.A. 74-5616(b)(1) the Commission may suspend, condition, revoke, reprimand, censure or deny the certification of a police or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto.
14. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.
15. K.A.R. 106-2-4(a) defines good moral character as including the personal traits or qualities of integrity, honesty, upholding the laws of the state and nation, conduct that warrants the public trust, and upholding the oath required for certification as specified in K.A.R. 106-3-6.

16. K.A.R. 106-2-4(b) states that any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.

17. Respondent's conduct reflects a lack of the personal traits or qualities that define good moral character. Respondent was repeatedly dishonest in official inquiries into why he missed his promotional assessment. Respondent chose to remain at the casino instead of upholding his commitment to attend the assessment at 11:00 am.

Summary Proceedings

18. Under K.S.A. 77-537, the Commission may conduct these summary proceedings, subject to Respondent's request for a hearing. The Commission finds that the use of summary proceedings in these circumstances does not violate any provisions of law and the protection of the public interest does not require the Commission to give notice and opportunity to participate to any person other than Respondent.

ORDER

Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of EMMETT L. SMITH, JR. be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATION OF EMMETT L. SMITH, JR. IS HEREBY REVOKED.

FURTHER, respondent is ordered to surrender and return to the Commission all evidence of his certification as a law enforcement officer.

DATED this 28th day of February, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chairperson, Investigative Committee

NOTICE OF RELIEF FROM THIS SUMMARY ORDER

Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must be filed within fifteen (15) days from the date indicated in the Certificate of Service below. If a written request for hearing is not so made, this Summary Order becomes final and effective upon the expiration of the time for requesting a hearing.

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of February, 2018, true and correct copies of the above and foregoing Summary Order of Revocation of Certificate were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

EMMETT L. SMITH, JR.


and

EMMETT L. SMITH, JR.




Rose Ann Ohmart
Senior Administrative Assistant